

PATRICK J. LEAHY, VERMONT, CHAIRMAN

EDWARD M. KENNEDY, MASSACHUSETTS
JOSEPH R. BIDEN, JR., DELAWARE
HERB KOHL, WISCONSIN
DIANNE FEINSTEIN, CALIFORNIA
RUSSELL D. FEINGOLD, WISCONSIN
CHARLES E. SCHUMER, NEW YORK
RICHARD J. DURBIN, ILLINOIS
BENJAMIN L. CARDIN, MARYLAND
SHELDON WHITEHOUSE, RHODE ISLAND

ARLEN SPECTER, PENNSYLVANIA
ORRIN G. HATCH, UTAH
CHARLES E. GRASSLEY, IOWA
JON KYL, ARIZONA
JEFF SESSIONS, ALABAMA
LINDSEY O. GRAHAM, SOUTH CAROLINA
JOHN CORNYN, TEXAS
SAM BROWNBACK, KANSAS
TOM COBURN, OKLAHOMA

BRUCE A. COHEN, *Chief Counsel and Staff Director*
STEPHANIE A. MIDDLETON, *Republican Staff Director*
NICHOLAS A. ROSSI, *Republican Chief Counsel*

United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

September 10, 2008

The Honorable Michael B. Mukasey
Attorney General
United States Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

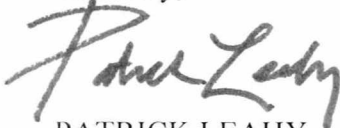
Dear Attorney General Mukasey:

We write to request that you provide the Judiciary Committee with copies of the Attorney General's proposed new guidelines for the investigative activities of the Federal Bureau of Investigation (FBI) prior to our September 17 oversight hearing with FBI Director Robert Mueller.

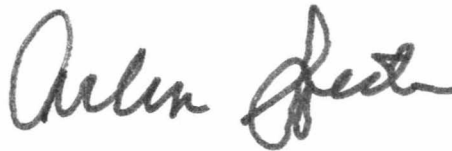
We are grateful for the efforts you have made to discuss your plans with us, and for the efforts the Department of Justice (DOJ) has made to brief congressional staff on the guidelines and allow them to review the draft text. In its August 20 response to our letter requesting a delay in your approval and implementation of these guidelines, DOJ pointed to the September 17 hearing with Director Mueller as a key component of your plan to explain the new guidelines to the Committee. However, if Committee members do not have a copy of the proposed guidelines to prepare for and use at the hearing with Director Mueller, a meaningful exchange will be impossible. The complex and important issues that these guidelines raise, including the need for flexibility and clarity in investigations and concerns about ensuring protections of civil liberties and privacy, requires a specific and informed discussion that references the precise language, not generalities.

We understand that the Chairman of the House Judiciary Committee and the chairs of several of its subcommittees have requested that Director Mueller provide copies of the guidelines before his September 16 appearance before that committee. We share their request to provide copies of the guidelines to us no later than noon on Monday, September 15, so that we may prepare for and make best use of Director Mueller's appearance before the Senate Judiciary Committee.

Sincerely,



PATRICK LEAHY
Chairman



ARLEN SPECTER
Ranking Member

cc: Honorable Robert S. Mueller, III